

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LINDA M. BITTNER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 16-cv-221-JPG-CJP
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM and ORDER**

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner. (Doc. 34).

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties stipulate that, on remand, the ALJ will consider and analyze the entry of Ms. Starkey's report, including opined limits in standing, sitting, walking, use of the hands, and Ms. Bullar's recommendation for a psychological evaluation. The ALJ will give consideration to the evidence of plaintiff's mental impairments and consider whether it would be appropriate to include additional functional limitations in the residual functional capacity determination. If necessary the ALJ will obtain supplemental vocational expert testimony to assist in reaching

findings at steps four and/or five. The ALJ shall issue a new *de novo* decision consistent with all applicable rules and regulations.

For good cause shown, the parties' Joint Stipulation to Remand (Doc. 34) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Linda Bittner's application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED:** 12/5/2016

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**